

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

FH PARTNERS, L.P.

vs.

1:07-cv-396(FJS/RFT)

The Arjay-Levine Group, Inc.

ORDER DISMISSING CASE

On April 30, 2007 a summons returned executed was filed in this case. No further activity has occurred since that time.

On October 19, 2007 the Court issued a notice, pursuant to NDNY Local Rule 41.2, setting this case for a dismissal calendar call on November 9, 2007 and directing any opposition to the dismissal to be filed by November 2, 2007. No opposition papers were filed.

On November 9, 2007 no parties to this action entered an appearance. As such, there appears to be no reason for this case to remain pending on the Court's docket. Therefore, it is hereby

ORDERED that this case is dismissed for failure to prosecute and further it is

ORDERED that the Clerk of the Court shall close this case.

IT IS SO ORDERED.

November 9, 2007



Frederick J. Scullin, Jr.
Senior United States District Court Judge